

COMPARABLE SERVICES AND BENEFITS

I. LEGAL AUTHORITY:

Rehabilitation Act of 1973, as amended; Sec. 12(c) and 101(a)(8); Sec. 103(a)(1)-(12); Sec. 504; Sec. 705(a)(3); 29 U.S.C. 711(c) and 721(a)(8); 34 CFR 104.44(d); 104.51; 104.52(d)(1); 361.1(c)(2); 361.5(b)(9); 361.12(c)(1)(4); 361.48(a)(6); 361.53; 361.73(b); 365.(15)(a); Title IV of the Higher Education Act of 1965, as amended; Sec. 484(a)(3); 34 CFR 668.7; Schorinstein v. New Jersey Division of Vocational Rehabilitation Services, 519 F. Supp. 773 (D.N.J. 1981).

II. POLICY STATEMENT AND PURPOSE:

Prior to providing any vocational rehabilitation services to an eligible individual, or members of the individual's family, full consideration will be given to any comparable services and benefits available to an individual with disabilities or to members of that individual's family under any other program to meet in whole, or in part, the cost of any vocational rehabilitation services.

A. Definitions

1. Comparable services and benefits are services and benefits which are:
 - a. Provided or paid for in whole or in part by other Federal, State, or local public agencies, by health insurance or by employee benefits;
 - b. Available to the individual at the time needed to achieve the intermediate rehabilitation objectives listed in the IPE; and
 - c. Commensurate with the services that the individual would otherwise receive from the vocational rehabilitation agency.

B. Conditions and Criteria

1. The determination of comparable services and benefits shall be required unless:
 - a. Comparable services and benefits exist under another program but are not available to the individual at the time needed to satisfy the rehabilitation objective in the IPE. The Agency shall provide those services until comparable services and benefits become available; or

- b. The determination would delay the provision of services to any individual at extreme medical risk (extreme medical risk means the substantial increase of functional impairment or risk of death if medical services are not provided expeditiously) based on medical evidence provided by an appropriate qualified medical professional; or
 - c. The determination would cause loss of an immediate job placement.
- C. Services not Subject to the Comparable Benefits Requirements
 - 1. Assessment for determining eligibility and priority of services, not including Extended Evaluation;
 - 2. Assessment for determining vocational rehabilitation needs;
 - 3. Counseling, guidance, and referral services;
 - 4. Vocational and other training services, which are not provided in institutions of higher education, including personal and vocational adjustment, books (including alternative format books accessible by computer and taped books), tools and other training materials;
 - 5. Placement;
 - 6. Rehabilitation Technology devices and services as defined in Section 115.16; and
 - 7. Post-Employment Services consisting of the previously listed exceptions.
- D. The State Agency cannot provide federal funds for a service if an individual with a disability refuses to apply for, accept, or benefit from comparable services for which s/he may be eligible.

III. PROCEDURES:

- A. Prior to the development of the IPE, comparable services and benefits will be thoroughly explored with the individual with a disability whenever a new service is considered or initiated to insure appropriate utilization of all funding sources, with the exceptions described in II., B., 1. above. Such comparable services and benefits will be incorporated into the IPE, as appropriate.